

REMARKS/ARGUMENT

Claims 13, 14, 16-18 and 20-22 are pending. Claim 13 has been amended. Claims 15 and 19 have been cancelled without prejudice. Claim 13 is the only independent claim.

Initially, the Examiner indicated on the Office Action Summary sheet that “*none* of the certified copies of the priority documents” for this application had been received. This is not correct.

First, the Examiner himself, in the Office Action dated January 15, 2004, in addition to checking the boxes on the Office Action Summary sheet indicating receipt of the certified copy, also added a specific paragraph at page 2 of the Action stating: “Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed in the file.” These acknowledgments are *conclusive* evidence that the certified copy of the priority document has been filed, as is required.

In addition, Applicant includes herewith a copy of the stamped postcard receipt dated 11/10/99 indicating USPTO receipt of the certified copy of the priority document together with the initial applications papers. In view of this postcard, together with the previous acknowledgement of the Examiner, it has been conclusively shown that the certified copy *was* in fact filed, thus meeting the requirement to perfect the claim to priority under 35 U.S.C. 119.

It should be noted that even if the USPTO has misplaced the priority document subsequent to its filing, there is no requirement that the Applicant replace it to maintain the claim of benefit. The rule is that the Applicant must file the certified copy, *not* that the USPTO must not lose it. If the Examiner has any questions in this regard, he is requested to confirm this reading of the rule with the Petitions branch of the USPTO.

In view of the above, it is requested that the next communication from the Office include an acknowledgement of receipt of the certified copy of the Japanese priority document.

In the Office Action, claims 13-18 and 20-22 were rejected under 35 U.S.C. § 103 over U.S. Patent 5,606,609 (Houser et al.).

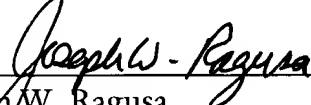
The Applicant thanks the Examiner for the indication that claim 19 would be allowed if rewritten in independent form. Instead, the features of claim 19 have been incorporated into claim 13. The resulting claim is the same as what a rewritten claim 19 would have been. For at least this reason, amended claim 13, and the claims dependent thereon, are now believed in condition for allowance.

This Amendment After Final Rejection is believed clearly to place this application in condition for allowance and its entry is therefore believed proper under 37 C.F.R. § 1.116. Should the Examiner believe that issues remain outstanding, he is respectfully requested to contact Applicant's undersigned attorney in an effort to resolve such issues and advance the case to issue.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Dated: December 21, 2004

Respectfully submitted,

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